

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 29, 2010. All pending Claims 1-16 were rejected in the Office Action. Applicants respectfully requests reconsideration and allowance of all pending claims in view of the remarks set forth below.

Independent Claims 1, 6, and 11 are Allowable.

Independent Claim 1, 6, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Otterbein* (U.S. 5,563,789) in view of *Keuper* (U.S. 6,085,133).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants respectfully traverse the rejections based on *Otterbein* and *Keuper*, at least because *Otterbein* and *Keuper* fail to teach certain features of independent Claims 1, 6, and 11. For example, each independent claim explicitly requires:

- measuring of three respectively perpendicular linear accelerations of the wheeled vehicle **and at least two rotational speeds** about perpendicular axes, and
- determining a momentary vertical distance between the vehicle body relative to the vehicle chassis using the three linear accelerations **and the at least two rotational speeds**.

The proposed combination of *Otterbein* and *Keuper* does not teach these key features of Applicants' claimed invention.

The Examiner first alleges that *Otterbein* -- col. 3, lines 48-57 and col. 5, lines 40-49 -- teaches a measuring entity for measuring three respectively perpendicular linear accelerations of the wheeled vehicle and at least two rotational speeds about perpendicular axes. (Office Action, page 3). However, the cited portions of *Otterbein* actually teach:

(a) first signals (V_i) representing the *vertical velocity* of the vehicle body at selected points on the vehicle, based on acceleration sensors fastened at different locations on the vehicle (col. 3, lines 48-57), and

(b) third signals (z' , α' , β') representing the *heave, roll, and pitch velocities* of the vehicle body (col. 5, lines 35-49).

Thus, even *Otterbein* teaches measuring the linear acceleration in only **one direction (vertical)**, not in **three respectively perpendicular directions** as recited in the claims. Thus, *Otterbein* cannot teach the claimed feature of measuring three respectively perpendicular linear accelerations and at least two perpendicular rotational speeds of the vehicle, as recited in Applicants' claimed invention.

The Examiner then alleges that even if *Otterbein* does not teach this claimed feature, *Keuper* "(see at least FIG. 2)" does teach this feature, as well as the claimed feature of determining a momentary vertical distance between the vehicle body relative to the vehicle chassis using the three linear accelerations and the at least two rotational speeds. (Office Action, page 3).

However, like *Otterbein*, *Keuper* also does not teach measuring three respectively perpendicular linear accelerations and at least two respectively perpendicular rotational speeds of the vehicle. The Examiner cites Figure 2 of *Keuper* as teaching the measurement of all of these linear accelerations/rotational speeds. However, *Figure 2 is not an illustration of parameters that are actually measured*; rather, Figure 2 merely sets up a reference coordinate systems for the discussion in the specification. In other words, *Keuper* does not teach *actually measuring* the movement of the vehicle in each of linear and rotations directions shown in Figure 2. Instead, *Keuper* teaches measuring linear acceleration in three respectively perpendicular directions (a_L , a_Q , and a_V) and *only one rotational velocity* (w_z).

Accordingly, *Keuper* (col. 5, lines 32-42) explicitly teaches:

In the embodiment of the invention proposed here, the following inertially measuring sensor system of the vehicle is assumed:

one yaw velocity sensor	→ w_Z
one longitudinal acceleration sensor	→ a_L
one transverse acceleration sensor	→ a_Q
three vertical acceleration sensors	→ a_{V1}, a_{V2}, a_{V3}

Thus, *Keuper* explicitly does not teach “a measuring entity arranged in the wheeled vehicle, wherein the measuring entity is configured to measure three respectively perpendicular linear accelerations of the wheeled vehicle **and at least two rotational speeds, each relating to a rotational movement or a component of a rotational movement about a coordinate axis of the wheeled vehicle, wherein the at least two coordinate axes run perpendicularly to each other,**” as recited in Claim 1.

Further, it follows that *Keuper* also cannot teach “an analysis entity which is combined with the measuring entity and is operable to determine a momentary vertical distance between the vehicle body relative to the vehicle chassis **using the three linear accelerations and the at least two rotational speeds,**” as recited in Claim 1. Further, *Keuper* does not teach an analysis entity operable to “**determine a momentary vertical distance** between the vehicle body relative to the vehicle chassis.” The Examiner points to Figure 2 and the Abstract of *Keuper*, but neither these cited portions nor the remainder of *Keuper* teaches determining a “momentary vertical distance.” *Keuper*’s Abstract teaches “obtaining signals which represent the *vehicle movement* relative to the road surface,” but says nothing about determining a “momentary vertical distance” between the vehicle body relative to the vehicle chassis.

Thus, for at least the various reasons above, *Otterbein* and *Keuper* fail to teach multiple aspects of Applicants’ claimed invention. For at least this reason, Applicants respectfully submit that the independent Claim 1, 6, and 11 are clearly distinguished from *Otterbein* and *Keuper*.

Accordingly, Applicants request reconsideration and allowance of independent Claim 1, 6, and 11, as well as all claims that depend therefrom.

All Dependent Claims are Allowable.

Dependent Claims 4-6, 9-10, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Otterbein* in view of *Keuper*.

Dependent Claims 2-3, 7-8, and 12-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Otterbein* in view of *Keuper* and further in view of *Schiffmann* (U.S. 6,292,759).

Applicants submit that all dependent claims are allowable at least because they depend from the independent claims shown above to be allowable. Further, *Schiffmann* does not teach the features of the independent claims not taught by *Otterbein* and *Keuper*. Further, Applicants do not concede that any of the proposed combinations of references are legally proper. Thus, for at least these reasons, Applicants respectfully request reconsideration and allowance of all pending dependent claims.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submits a Petition for One-Month Extension of Time. The Commissioner is authorized to charge the fee of \$130.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicants believe there are no other fees due at this time; however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,
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